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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**  
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9 FERNANDO OBLITAS-RIOS, on behalf  
10 of himself and all others similarly  
situated,

11 Plaintiff,

12 vs.

13 PFIZER, INC., a California Corporation;  
and DOES 1-100, inclusive,

14 Defendants.

CASE NO. 06cv2679 BTM(AJB)

**ORDER GRANTING MOTION TO  
TRANSFER VENUE**

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16 Defendant Pfizer, Inc. has filed a motion to transfer this case to the Southern District  
17 of New York pursuant to 28 U.S.C. § 1404(a). In the alternative, Defendant seeks a stay of  
18 this action pending related litigation in the Southern District of New York.

19 “For the convenience of parties and witnesses, in the interest of justice, a  
20 district court may transfer any civil action to any other district or division where it might  
21 have been brought.” 28 U.S.C. § 1404(a). In determining whether transfer is  
22 appropriate in a particular case, courts consider factors such as (1) the plaintiff’s  
23 choice of forum, (2) the convenience of the witnesses and parties, (3) the ease of  
24 access to sources of proof, (4) the respective parties’ contacts with the forum, (5) the  
25 contacts relating to the plaintiff’s cause of action in the chosen forum, (6) the  
26 differences in the costs of litigation in the two forums, (7) the state that is most familiar  
27 with the governing law, and (8) the availability of compulsory process to compel  
28 attendance of unwilling non-party witnesses. Jones v. GNC Franchising, Inc., 211

1 F.3d 495, 498-99 (9th Cir. 2000); Decker Coal Co. v. Commonwealth Edison Co., 805  
2 F.2d 834, 843 (9th Cir. 1986).

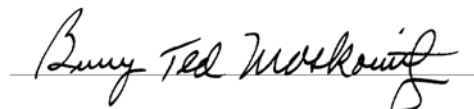
3 This action could have been brought in the Southern District of New York as  
4 Defendant's principal place of business is in New York, New York. Defendant's  
5 primary argument for transferring the case is that a substantially similar case, Coultrip,  
6 et al. v. Pfizer, Inc., is pending before Judge Alvin K. Hellerstein in the Southern  
7 District of New York. Coultrip, like this action, alleges that Defendant violated the  
8 FLSA and state law (including California wage and hour law) by misclassifying  
9 pharmaceutical sales representatives as exempt employees. The purported  
10 "California class" in Coultrip is substantially the same as the purported class in this  
11 action. Also pending before Judge Hellerstein is a related case, Jeter v. Pfizer, Inc.,  
12 which pertains to Defendant's alleged failure to pay certain wages to sales  
13 representatives in violation of New York Labor Law. The Coultrip litigants have been  
14 engaged in discovery regarding class certification issues for the past few months, and  
15 briefing on the class certification will commence at the end of June.

16 Plaintiff has filed a statement of non-opposition to Defendant's motion to  
17 transfer venue. In light of Plaintiff's non-opposition, the overlapping issues in this case  
18 and the Coultrip action, and the fact that Defendant's corporate headquarters are in  
19 New York (causing many corporate documents and witnesses to be located in New  
20 York), the Court is satisfied that a transfer of venue is justified.

21 Accordingly, the Court **GRANTS** Defendant's motion to transfer venue, and  
22 **DENIES AS MOOT** Defendant's motion to stay the action. This case is hereby  
23 **TRANSFERRED** to the Southern District of New York.

24 **IT IS SO ORDERED.**

25 DATED: May 21, 2007

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27 Hon. Barry Ted Moskowitz  
28 United States District Judge